

1 Proceedings

2 out of turn.

3 MR. BIALO: Your Honor, this is Jessica
4 Goodwin She has with her the document and the notebook
5 that we produced as well.

6 She did some annotation work yesterday
7 afternoon so that she can go for her chart to the
8 pages that have PMA stamped on them and we have copies
9 of it for the other lawyers.

10 THE COURT: Let her be sworn in.

11 J E S S I C A G O O D W I N, called as a witness,
12 having been first duly sworn, was examined and
13 testified as follows:

14 THE COURT CLERK: State your name and
15 business address for the record, please.

16 THE WITNESS: Jessica Goodwin, 6023 Airport
17 Road, Oriskany, O-R-I-S-K-A-N-Y, New York, 13424.

18 THE COURT: Who is calling this witness, the
19 Bank of New York?

20 MR. KALBIAN: I am calling her, your Honor.

21 THE COURT: So it is the --

22 MR. BIALO: I am just introducing the
23 witness and I have copies of the annotations.

24 THE COURT: All right.

25 MR. KALBIAN: Mr. Bialo asked me that I mark
26 as a next exhibit, which I think is Exhibit 5, the

1 Goodwin - By Plaintiff - Direct
2 subpoena that was issued to the Bank of New York for
3 this hearing. So if I may do that now.

4 THE COURT: Yes. You are marking a
5 subpoena.

6 MR. BIALO: The witness is here pursuant to
7 subpoena.

8 THE COURT: You don't have to mark the
9 subpoena. Ask her the question.

10 MR. BIALO: Fine.

11 MR. KALBIAN: If I can hand the subpoena up
12 to the witness.

13 THE COURT: Yes.

14 Ms. Goodwin, are you here today pursuant to
15 subpoena?

16 THE WITNESS: Yes.

17 THE COURT: Whose subpoena are you here
18 pursuant to?

19 THE WITNESS: This one.

20 THE COURT: Who issued you that subpoena?

21 THE WITNESS: Bushell and Valliere.

22 THE COURT: The attorneys for the
23 plaintiff.

24 Let's continue.

25 MR. KALBIAN: Your Honor, it appears that
26 the last two pages of this schedule that was just

1 Goodwin - By Plaintiff - Direct
2 handed to us by counsel with the notations on the side
3 may have changed, may not be the same chart that was
4 given to us on July 2.

5 MR. KALBIAN: We have clarified it, your
6 Honor, I apologize.

7 MR. TOLCHIN: May I ask what the
8 clarification is?

9 MR. KALBIAN: I think it was just the way
10 that they were copied by the Bank of New York. I
11 think it's the same document, essentially. But I will
12 let Mr. Bialo speak for himself.

13 MR. TOLCHIN: Well, I see an inconsistency.
14 The one that is here today has four entries on the
15 final page and the other one submitted the other day
16 has three.

17 A VOICE: It's pagination.

18 MR. BIALO: It is just the computer rolled
19 it down. If you look at the top transaction on the
20 final page is the last transaction on the next to the
21 last page.

22 MR. TOLCHIN: Oh, okay. I don't know how it
23 works, but computers do amazing things.

24 MR. KALBIAN: All right, your Honor.

25 THE COURT: Yes.

26 DIRECT EXAMINATION

1 Goodwin - By Plaintiff - Direct/Kalbian

2 BY MR. KALBIAN:

3 Q Ms. Goodwin?

4 A Yes.

5 Q Good afternoon.

6 I just want to ask what your position is
7 with the Bank of New York?

8 A I am vice president, group manager of the funds
9 transfer division, Bank of New York.

10 Q And can you just briefly describe what that job
11 entails? And if you can just keep your voice up, please?

12 A My response, I am responsible for three main
13 areas. One is the regulatory and control area that does
14 anti-money laundering, monitoring on wire transfers, OFAC
15 monitoring, as well as funds management and control for
16 all related wire transfers.

17 Q And how long have you been employed at Bank of
18 New York?

19 A Slightly over 16 years.

20 Q And how long have you served in this capacity
21 that you just described?

22 A Since 2000.

23 Q Now, counsel handed us a chart here.

24 Do you have one handy with you?

25 A Yes.

26 Q And it is one that has been provided to us

1 Goodwin - By Plaintiff - Direct/Kalbian
2 previously. It was provided to us on July 29th.

3 Let me ask you this.

4 What does this chart represent? If I could
5 have it marked for identification purposes as Exhibit 5.

6 MR. KALBIAN: Is it 5 or 6?

7 THE COURT: Do you want it to be marked?

8 MR. KALBIAN: Yes.

9 THE COURT: It is 5, I believe.

10 (The above was marked for identification as
11 Plaintiff's Exhibit 5.)

12 THE COURT: Counsel, do you have a copy?

13 MR. KALBIAN: Yes, I do.

14 Q The document that we marked for identification as
15 Plaintiff's Exhibit 5?

16 A Yes. It is a summary of the transactions in
17 question related to the temporary restraining order. So
18 it is a summary of all the documents of the transactions
19 that are held by the Bank of New York in question.

20 Q And is this list a true and accurate listing of
21 the transactions frozen by the Bank of New York?

22 A They are transactions held by the Bank of New
23 York.

24 Can you define the term frozen? Define it
25 definitely, on these transactions, we have these funds,
26 all but two of the transactions in a suspense account,

1 Goodwin - By Plaintiff - Direct/Kalbian
2 being held.

3 Q They are all but two are held in what you call a
4 suspense account?

5 A Yes.

6 Q And what exactly is a suspense account?

7 A It is an account at the Bank of New York that we
8 are holding funds to determine what to do with them,
9 holding them based upon the restraining order that we
10 received.

11 Q All right.

12 And you placed these funds in the suspense
13 account at the Bank of New York after you received a
14 restraining notice.

15 Correct?

16 A Yes.

17 Q And also received, the Bank of New York received
18 a notice of injunction dated May 9, 2005, issued by a
19 federal court in Rhode Island.

20 Correct?

21 A From my side, I began looking at or holding these
22 transactions when legal process division at the Bank of
23 New York instructed me to do so.

24 Q So you don't have any information as to whether
25 the Bank of New York received a document called notice of
26 injunction that was served on the Bank of New York by the

1 Goodwin - By Plaintiff - Direct/Kalbian
2 defendants in this case?

3 A I know that they received -- legal process
4 division, White Plains, received something and in turn
5 they instructed me what funds to begin to hold.

6 Q Now, when you -- and it was you, yourself, who
7 decided what funds to hold or is that somebody else at the
8 bank that does that?

9 A The sites are scanned for the names in question.
10 When we find the transaction that involves those names, we
11 hold them, present them to our legal process division
12 department in White Plains and they instruct us whether to
13 hold the items or to pay them.

14 Q In this document that we marked for
15 identification as Number 5, is that a -- is that a summary
16 of all the transactions that are in the suspense account?

17 A All but two of these are in the suspense
18 account.

19 Q Which two are not in the suspense account?

20 A The two items that are not in the suspense
21 account, on the third page, there is a transaction for
22 2,399,990. And it is the first conflict.) And on the top
23 of the next page, there is a \$10,000,000 item both
24 indicated the same balances insufficient in account to
25 process transfer.

26 MR. KALBIAN: Your Honor, I move Number 5

1 Goodwin - By Plaintiff - Direct/Kalbian
2 in.

3 MR. TOLCHIN: May I, your Honor.

4 THE COURT: Yes.

5 VOIR DIRE EXAMINATION

6 BY MR. TOLCHIN:

7 Q Ms. Goodwin, did you prepare this exhibit?

8 A It was prepared by my staff.

9 Q Did you supervise the preparation of this
10 document?

11 A Yes.

12 Q And was that for the purposes of this litigation?

13 A Yes.

14 Q And to prepare this document, what did you or
15 your staff look at?

16 A The underlying transactions.

17 Q And were those the documents that were Bates
18 stamped, BNY001 to BNY400? I believe it is 400?

19 A Yes.

20 Q Yes?

21 A Yes.

22 MR. BIALO: Your Honor, if the underlying
23 documents are moved into evidence I have no problem
24 with the summary. But I think that the underlying
25 documents have to come first as a foundation for the
26 summary.

1 Goodwin - By Plaintiff - Voir Dire/Tolchin

2 THE COURT: Do you have a problem with
3 that?

4 MR. KALBIAN: I don't have any problems with
5 the voluminous records that were produced by the Bank
6 of New York being marked as an exhibit.

7 THE COURT: Do we have that in a notebook
8 folder? Am I correct? Let's mark the summary as
9 Plaintiff's Exhibit 5 and the notebook as 5A.

10 MR. TOLCHIN: Where is it?

11 That's fine, can I briefly examine it?

12 THE COURT: Yes. That will be in evidence.

13 (The above was marked in evidence as
14 Plaintiff's Exhibit 5 and 5A.)

15 MR. TOLCHIN: I want to see that the whole
16 range is here. And yes, it is. If this is the same
17 as that, I have no problem.

18 THE COURT: All right.

19 MR. TOLCHIN: That's what I tried to
20 accomplish with a notice to admit.

21 THE COURT: Counsel.

22 MR. BIALO: The documents in the witness'
23 notebook were the documents produced by the Bank of
24 New York with the BNY number plus the covering letters
25 that accompanied it. That is Ms. Goodwin's own
26 notebook, she worked with it, it has not been provided

1 Goodwin - By Plaintiff - Voir Dire/Tolchin
2 by anybody else, it was our stuff that Ms. Goodwin put
3 together.

4 THE COURT: I understand that. I am just
5 asking if there are copies, apparently there is more
6 than one copy.

7 MR. BIALO: I don't -- these are copies that
8 plaintiff's counsel has.

9 THE COURT: Yes, has a copy and I had just
10 wondered if there was a copy for defense counsel as
11 well.

12 MR. ROGERS: It is not an identical copy of
13 what she has in her hand. Our copy has the cover
14 letters that we provided with the document, et
15 cetera. I don't know if they set up their notebook in
16 the same way. That's the distinction.

17 MR. TOLCHIN: Can I see her notebook?

18 THE COURT: Yes.

19 MR. TOLCHIN: And we should clarify, that
20 notebook, if it is in evidence, has to stay here.

21 THE COURT: Yes.

22 MR. TOLCHIN: You cannot take it back to
23 Utica.

24 THE COURT: That's right.

25 (Perusing document.)

26 MR. TOLCHIN: Fine, your Honor.

1 Goodwin - By Plaintiff - Direct/Kalbian

2 THE COURT: Let's proceed.

3 DIRECT EXAMINATION (Continued)

4 BY MR. KALBIAN:

5 Q The two transactions that you referred to that
6 were not placed in the suspense account, I am going -- I
7 have taken the liberty, ma'am, of blowing up those two
8 pages. Obviously they don't include the notations that
9 you gave us today.

10 THE COURT: Why don't you just put it down.

11 All right.

12 Q One of the first -- the first of the two appears
13 as a transaction, Palestine Monetary Authority as the
14 originator and Bank of Palestine, Limited, Gaza, as the
15 beneficiary.

16 Is that correct?

17 A Yes.

18 THE COURT: This is the transaction from
19 page three, third transaction down on that page.

20 Yes, continue.

21 Q Now, was the -- can you tell from your records
22 whether the Palestine Monetary Authority was the account
23 holder at the Bank of New York?

24 A No. They are not.

25 Q Who was the account holder with regard to that
26 transaction at the Bank of New York?

1 Goodwin - By Plaintiff - Direct/Kalbian

2 A It's the Palestine International Bank. The Bank
3 of New York holder.

4 Q The monies were destined to the Bank of
5 Palestine, Limited, in Gaza. That's the beneficiary of
6 these funds?

7 A Yes.

8 Q And so that this was a Palestine International
9 Bank account at the Bank of New York.

10 Correct?

11 A That was what was being debited, yes.

12 Q And when it says balance insufficient in account
13 to process transfer, are these -- does that mean that
14 there were insufficient funds in the PIB account to cover
15 those funds?

16 A Yes.

17 Q We directed your attention to the second chart
18 that contains the other funds that were not put in the
19 suspense account?

20 THE COURT: Before you continue, going back
21 to that, why does it list Palestine Monetary Authority
22 as the originator if the account is the Palestine
23 International account?

24 THE WITNESS: This is a summary version. If
25 we are going through what I was looking in here to see
26 the full transaction, I can see all the parties to the

1 Goodwin - By Plaintiff - Direct/Kalbian
2 transaction.

3 THE COURT: Can you explain what that
4 transaction is. Because I am not following it.

5 THE WITNESS: Can I show you this
6 transaction to explain it?

7 THE COURT: Yes.

8 MR. TOLCHIN: Can you identify the Bates
9 number?

10 THE WITNESS: Bates 140.

11 And the instruction coming in, the order I
12 received, a Swiss instruction from PIB to debit their
13 account to effect this transfer. On that Swiss
14 instruction, the originator shown on that document
15 received is Palestine Monetary Authority, where they
16 instructed me to debit their account, Palestine
17 International Bank, and pay the funds to JP Morgan and
18 Chase in favor of the bank in Palestine.

19 And that's based upon this instruction
20 coming to us from PIB, our customer.

21 Q So you would look at this transaction and say it
22 is from the account of the PIB and to the account of JP
23 Morgan and Chase?

24 A For further -- yes, that's who I would give it
25 to. Pay it to JP Morgan and Chase and they would receive
26 all the information we pass on so that they know who the

1 Goodwin - By Plaintiff - Direct/Kalbian

2 next party is that they are to pay it to.

3 Q So if Palestine Monetary Authority is the
4 originator, does that mean that they have an account with
5 the PIB and this money is being taken from their account?

6 A I cannot testify to that. It does indicate on
7 the face of this that they are the originator of the
8 funds. But since I am not at PIB, I cannot swear to
9 that.. But by the formatting of the payment instruction,
10 it is showing them as the ordering bank.

11 Q So just -- keeping your attention on this Bates
12 stamp 140, JP Morgan and Chase would be the correspondent
13 bank of the Bank of Palestine, Limited?

14 A Yes.

15 Q Let me direct your attention to the second
16 transaction that you testified earlier that was not in the
17 suspense account.

18 What Bates stamp number did you look at,
19 ma'am, to -- as the underlying document, if you will, for
20 that particular transaction which is listed on this chart
21 as the first item?

22 A Bates stamp 127 and 128.

23 MR. KALBIAN: For the record, this is page 4
24 of 9 on Exhibit 5, your Honor.

25 Q I am sorry, you said Bates 127?

26 A Yes.

1 Goodwin - By Plaintiff - Direct/Kalbian

2 Q And, in fact, Bates 127 and 128, similarly
3 indicate that the instruction was given by your customer
4 to PIB.

5 Correct?

6 A That's where I received my instructions from,
7 yes.

8 Q Did the PIB with respect the that particular
9 transaction, instructed the Bank of New York to stop the
10 transaction?

11 A Yes. They have since asked us to cancel the
12 transaction.

13 Q To cancel, that's the term of art. Cancel the
14 transaction?

15 A Yes.

16 Q Did the Bank of New York cancel that transaction?

17 A No.

18 Q Do you know why?

19 A Based upon this temporary restraining order, we
20 kept those two items, the two items pending against the
21 account. I did not cancel them.

22 Q All right. So when and if there are sufficient
23 funds in that Palestine International Bank account, Bank
24 of New York, those would be paid.

25 Is that correct?

26 A Those would be suspense.

1 Goodwin - By Plaintiff - Direct/Kalbian

2 Q Those would then be suspense?

3 A Yes.

4 Q Let me try to clarify a point before we get into
5 the other transactions involving the Palestine Monetary
6 Authority that went into the suspense account.

7 When we were here on the 30th of June, there
8 were two transactions involving Ministry of Finance and
9 then there was an entry, it says Gaza, PMA.

10 MR. BIALO: Objection as to form.

11 MR. KALBIAN: Sorry.

12 Q If you look at page 2 of 9 of your chart?

13 A Yes.

14 Q Do you see it's the second transaction down?

15 A That's the one with the reference number of
16 TS0505168284500?

17 Q Yes ma'am.

18 A I have it.

19 Q It says originator, you see that, Ministry of
20 Finance?

21 A Yes.

22 Q And under there it says PMA?

23 A Yes.

24 Q Is that reference PMA to the Palestine Monetary
25 Authority?

26 A When we stopped the transaction, those were

1 Goodwin - By Plaintiff - Direct/Kalbian
2 acronyms for that. I believe when I looked at the
3 document, that we actually asked for clarification as to
4 what PMA stood for and they responded --

5 MR. TOLCHIN: Objection, hearsay.

6 THE COURT: Is this part of your document?

7 THE WITNESS: Yes.

8 THE COURT: Overruled.

9 MR. TOLCHIN: She is offering it and it's
10 not her business record. It's not --

11 THE COURT: It has been marked in evidence.
12 This is the notebook.

13 MR. TOLCHIN: But the hearsay parts cannot
14 be offered for the truth. They were put in as the
15 record, but if she is putting it in as to the truth,
16 it is hearsay.

17 THE COURT: You didn't object to this. You
18 were given the book to look at.

19 MR. TOLCHIN: Because he offered it as the
20 record of the Bank of New York. And if it is being
21 offered for that purpose, there is no problem. But
22 now that he is trying to bring out the statement of
23 some other bank for its truth --

24 THE COURT: I thought it was all introduced
25 for the truth.

26 MR. TOLCHIN: As a record of the Bank of

1 Goodwin - By Plaintiff - Direct/Kalbian
2 New York.

3 THE COURT: I am going to allow her to
4 continue.

5 Overruled.

6 Go ahead.

7 What does the record show?

8 THE WITNESS: It's a document Bates number
9 209 and 210, and on this transaction, we went back to
10 our customer, which in this case was Credit Suisse
11 Zurich, and asked them what PMA stood for.

12 Q And what did they tell you?

13 A They responded, please note that PMA means
14 Palestine Main, M-A-I-N, A/C-15775. And this is just a
15 reference used by the ordering institution for their own
16 audit.

17 Q The reference to PMA also bears on page 5 of 9,
18 if I can direct your attention to that particular page of
19 this exhibit?

20 A Okay.

21 Q Are you there, Ms. Goodwin?

22 A Yes.

23 Q It is right about the middle of the page, but I
24 will give you the transaction number. FTS0505319039200.

25 A Yes, I have it.

26 Q And again, it says Ministry of Finance and under

1 Goodwin - By Plaintiff - Direct/Kalbian
2 there, under that line, it says PMA.

3 Did the Bank of New York make any inquiry as
4 to what that reference stood for?

5 A Yes.

6 Q And what did the Bank of New York determine?

7 A I don't have a response from Credit Suisse on
8 this one.

9 Q Would it be reasonable for you to infer that it
10 is also a reference to Palestine main account, based on --

11 MR. BIALO: Objection.

12 THE COURT: Sustained.

13 Q -- based on the documents that you have, and
14 based on the previous response of Credit Suisse, is it a
15 reasonable inference to state that PMA there, under
16 Ministry of Finance, substance for Palestine main
17 account?

18 MR. BIALO: Objection.

19 THE COURT: Sustained.

20 Q Do you know why Credit Suisse did not respond?

21 MR. BIALO: Objection.

22 THE COURT: Sustained.

23 Q And Credit Suisse, the same institution that you
24 inquired of with regard to the first transaction?

25 A Yes.

26 Q And why is Credit Suisse involved in both of

1 Goodwin - By Plaintiff - Direct/Kalbian
2 those transactions?

3 A The Bank of New York customer that ordered these
4 transactions, that's where I received the instructions
5 from.

6 Q These two transactions that we have just been
7 discussing, both came from credits Swiss, is that correct?

8 A Yes.

9 Q Did you find any transactions here that involved
10 transfers from the Palestine Monetary Authority to any
11 Palestinian Embassy?

12 And you can use the chart 5A, if you wish,
13 if it will make it easier for you to answer.

14 A Say the question again so that I understand.
15 Palestine Monetary --

16 Q Were the originator, Palestine Monetary
17 Authority, and the beneficiary of the Palestine Embassy?

18 A One second, please.

19 No, I do not.

20 Q In fact, all the transactions involving Palestine
21 Monetary Authority are bank to bank.

22 Correct?

23 A Where I see Palestine Monetary Authority, yes.

24 Q And wherever you see Palestine Monetary Authority
25 on 5A, the transactions are bank to bank?

26 A Let me clarify.

1 Goodwin - By Plaintiff - Direct/Kalbian
2 Palestine Monetary Authority, not the two
3 items with the PM.

4 Q We put those aside. Now I am focusing on
5 Palestine Monetary Authority. Those transactions are all
6 bank to bank.

7 Correct?

8 A Yes.

9 Q Let's focus and isolate those transactions on
10 these charts that refers to the Palestine Monetary
11 Authority and we will quickly go through them.

12 The first one appears on page 2 of 9. It is
13 on the Palestine Monetary Authority quadrant of the
14 document.

15 Is that -- is that not right?

16 Why don't we go with the chart and not with
17 these blowups. That's fine, you have got 5A with you.

18 Right?

19 A Yes.

20 Q Or 5. On page 2 of 9?

21 A Yes.

22 Q Per third transaction from the Palestine Monetary
23 Authority, where the originator is Arab Bank, PL/C, do you
24 see that?

25 A Yes.

26 Q And beneficiary, it says Palestine Monetary

1 Goodwin - By Plaintiff - Direct/Kalbian

2 Authority?

3 A Yes.

4 Q Do you see that?

5 A Yes, I do.

6 Q That went into the suspense account.

7 Correct?

8 A Yes.

9 Q And which Bates stamp number did you obtain or
10 look at in order to prepare this particular entry? Is
11 there a --

12 A 315 and 316.

13 Q That's in Exhibit 5, binder 5A?

14 Is that correct?

15 It is in the exhibit binder 5A?

16 A Yes.

17 Q And again, did this involve the PIB account,
18 P-I-B account?

19 A Yes.

20 Q The next item, the originator here was Palestine
21 Monetary Authority, and it says, beneficiary, Palestine
22 Bank, Islamic.

23 Do you see that?

24 A Yes.

25 Q \$140,000 transaction?

26 A Yes.

1 Goodwin - By Plaintiff - Direct/Kalbian

2 Q And that's also in the suspense account?

3 A Yes.

4 Q And what is the Bates stamp number that is
5 related to that?

6 A 325 and 326.

7 Q Those are the underlying documents.

8 Correct?

9 A Yes.

10 Q And again that was through the PIB account at
11 Bank of New York?

12 A Yes.

13 Q The next transaction was also on page 2 of 9,
14 what underlying documents did you look at to prepare that
15 entry?

16 A Bates number --

17 MR. BIALO: Excuse me. I have a suggestion
18 for clarity of the record.

19 It is going to be impossible for anyone to
20 follow which line he is talking about. Maybe
21 Mr. Kalbian can identify the transactions by the
22 dollar amount. Because those are fairly unique and it
23 is a lot easier, and then we will know which
24 transaction we are looking at.

25 MR. KALBIAN: Whatever will make it easier
26 for the Court to follow.

1 Goodwin - By Plaintiff - Direct/Kalbian

2 THE COURT: It is fine. Whichever way you
3 wish to do it.

4 MR. BIALO: This is the 649?

5 Q Yes. I am referring now --

6 THE COURT: The Palestine Monetary Authority
7 transaction on page two.

8 Q The originators of Palestine Monetary Authority,
9 beneficiary, Palestine Investment Bank, Ramallah.

10 Is that also involving the PIB account?

11 A Yes.

12 Q All right. Page 3 of 9, there are several
13 entries here. I think the entire page 2 of 9, or most of
14 it, last entries regarding the Palestine Monetary
15 Authority.

16 We looked at the third one. That's the one
17 that went into the -- where there was insufficient funds.

18 Correct?

19 A Yes.

20 Q Looking at the two above those, the one with
21 beneficiary Bank of Jordan, and the Al-Quods Bank for
22 development and investment.

23 A Yes.

24 Q Those two transactions were in suspense?

25 A Yes.

26 Q And both transactions involved PIB account in

1 Goodwin - By Plaintiff - Direct/Kalbian

2 Bank of New York?

3 A Yes.

4 Q And your answer is the same for these
5 transactions, ma'am, regarding the question that the judge
6 asked you about originator, Palestine Monetary Authority,
7 looking at the underlying document, what is that telling
8 you with regard to those two transactions?

9 A The exact same setup where my instruction from
10 PIB and Palestine Monetary Authority is showing up as the
11 originator on that.

12 Q But the instructions again here are coming from
13 the Palestine International Bank?

14 A Yes.

15 THE COURT: That's on Monetary -- oh, I
16 see. PIB.

17 MR. KALBIAN: Yes.

18 A Yes. PIB.

19 THE COURT: Can I ask you something which
20 may shorten this.

21 The copy that I have -- and I assume that's
22 a copy in evidence as well, let me look at the copy in
23 evidence -- it indicates the Bates number from which
24 each summary comes from, and where PIB was the entity
25 that instructed that the money be transferred. It
26 says PIB under it in the section that says dollar

1 Goodwin - By Plaintiff - Direct/Kalbian
2 amount.

3 THE WITNESS: Can I clarify something.

4 Instructed or received the funds. Because
5 there are some transactions, they are on the other
6 side of the transactions they are receiving money.

7 THE COURT: And you circled whether it was
8 instructed or received on here.

9 THE WITNESS: The ones that are circled are
10 all those with Palestine Monetary Authority since
11 that's what we are focusing on today.

12 THE COURT: And where it says PIB, let's
13 look at page two, the third transaction from the
14 Palestine Monetary Authority. PIB is written?

15 THE WITNESS: Yes.

16 Q And that would show that -- when the --

17 A They were the beneficiary, yes.

18 Q And the next item also says PIB in the dollar
19 column by the Palestine Monetary Authority is the
20 originator, and there it would indicate that PIB is the
21 originator bank.

22 Am I correct?

23 A Yes.

24 Q So, all of these are marked and I don't know if
25 we need to question about what is marked. All right.

26 MR. KALBIAN: All right.

1 Goodwin - By Plaintiff - Direct/Kalbian

2 THE COURT: Except for anything that is
3 different.

4 MR. KALBIAN: All right. I will move it
5 along, then, your Honor.

6 Q On page 3 of 9, the last transaction, and I will
7 give you the transaction number, internal reference of
8 FTSO505175578500. It says, originator Union Bank for
9 Savings and Investment, Amman, and beneficiary, Union Bank
10 for Savings and Investment, Ramallah.

11 Why were those funds placed in a suspense
12 account?

13 A Because on this instruction, which is Bates
14 number 146, the instructions were coming from the Union
15 Bank of Savings and Investment in Amman to go to the
16 Palestine International Bank, favor Palestine Monetary
17 Authority, with reference for further credit, Union Bank
18 of Savings and Investment, Ramallah branch.

19 So this chart gives the two far ends of the
20 transaction. So it was suspense for the mention of
21 Palestine Monetary Authority.

22 Q So these funds were going to the Palestine
23 Monetary Authority account with PIB?

24 A Yes.

25 Q That's where they were destined?

26 A Yes.

1 Goodwin - By Plaintiff - Direct/Kalbian

2 THE COURT: And the item right above that
3 item, which is for 10 million and change.

4 THE WITNESS: Yes.

5 THE COURT: It does not say PIB there. It
6 says something else. And what is that?

7 THE WITNESS: What that says is Cairo
8 Amman. My notes says, Cairo Amman, as well as
9 F-O-R-T-I-S, and Deutsche, D-E-U-T-S-C-H-E.

10 THE COURT: What does that mean?

11 THE WITNESS: The flow of funds, this
12 transaction in question. The Bank of New York
13 received an incoming deposit from Deutsche Bank,
14 New York, and that deposit showed Fortis Bank in
15 Brussels as the ordering party, instructing us to pay
16 our account for Cairo Amman Bank in Ramallah, for
17 further credit, the Palestine Monetary Authority.

18 THE COURT: So Palestine Monetary Authority
19 was the beneficiary?

20 THE WITNESS: Yes.

21 THE COURT: But it did not go to PIB?

22 THE WITNESS: Correct.

23 Q So in this instance, the Bank of New York was
24 acting as a correspondent bank for another bank other than
25 PIB.

26 Correct?

1 Goodwin - By Plaintiff - Direct/Kalbian

2 A Correct.

3 Q And those funds are in the suspense account.

4 Correct?

5 A Yes.

6 THE COURT: I have another question.

7 On page 6, the third item down also
8 references as the originator of the PMA, but it
9 doesn't involve PIB again. It says something else
10 there.

11 What does that say?

12 A Commerze Bank. Sorry. My handwriting is
13 horrendous.

14 Q And then, again, the same as on page 8, is that
15 also Commerze?

16 A Yes, all three transactions are Commerze.

17 MR. KALBIAN: Court's indulgence?

18 THE COURT: Yes.

19 (Short pause.)

20 MR. KALBIAN: Thank you, Ms. Goodwin.

21 THE COURT: Are you through?

22 Is there cross?

23 MR. TOLCHIN: Yes.

24 Thank you, your Honor.

25 CROSS EXAMINATION

26 BY MR. TOLCHIN.

1 Goodwin - By Plaintiff - Cross/Tolchin

2 Q Ms. Goodwin, was there an earlier version of this
3 frozen funds chart?

4 A Held funds, yes.

5 Q Was there an earlier version of that?

6 A Yes.

7 Q And do you have that earlier version with you?

8 A No.

9 Q This was attached to -- this was Exhibit C to the
10 affidavit of Shelby Fetter (phonetic) in response to
11 the -- okay, I may have another copy of it. Bear with me
12 for one moment.

13 THE COURT: Here, I have it.

14 MR. TOLCHIN: Do you have it?

15 THE COURT: Yes. You are referring to
16 Exhibit C?

17 MR. TOLCHIN: Exhibit C, it looks like this,
18 your Honor.

19 THE COURT: All right.

20 MR. TOLCHIN: Could we mark this for
21 identification and I can make a copy of this, not
22 bound up, afterwards, if you want, it would be easier.

23 THE COURT: At this point let's just deem it
24 marked for identification as Defendants' Exhibit A.

25 All right. Very good. Thank you.

26 Q Ms. Goodwin, if you can turn to the fourth page,

1 Goodwin - By Plaintiff - Cross/Tolchin

2 the pages are not numbered, unfortunately.

3 There is a transaction dated 5/17/05, again,
4 Cairo Amman Bank and the Palestine Monetary Authority?

5 A Yes.

6 Q That's a transaction in the amount of 9,600,630?

7 A Yes.

8 Q There's a comment to the right, cancel due to
9 incomplete wire instruction?

10 A Yes.

11 Q And first of all, what was this chart? What was
12 this chart?

13 A Yes. It was the first chart of transaction
14 involved in the TRO.

15 Q And in what way is this chart different from what
16 is in evidence in Exhibit 5?

17 A Exhibit 5 has additional transactions that were
18 identified in transactions that weren't in suspense or
19 part of it were taken out.

20 Q So 5 is an update of A?

21 A Yes.

22 Q Does this -- first of all, your Honor, I would
23 like to move --

24 MR. BIALO: Your Honor, I would like to move
25 Exhibit A into evidence.

26 THE COURT: All right.

1 Goodwin - By Plaintiff - Cross/Tolchin

2 Is there any objection?

3 MR. KALBIAN: I have no objection.

4 THE COURT: I am going to dissect one of my
5 motions. I have -- there is a copy also, and in
6 Mr. Shapiro's affidavit. And what I will do, I will
7 pull that out and we will mark that into evidence
8 without objection.

9 MR. TOLCHIN: Thank you very much, your
10 Honor.

11 Q Ms. Goodwin, does that \$9,630,000 transaction
12 appear in Exhibit 5?

13 A No.

14 Q Why not?

15 A Because it's not a transaction that was
16 suspended, it was not a transaction that was identified as
17 being possibly part of this until after it was cancelled.

18 Q Was that transaction cancelled?

19 A Yes.

20 Q Who cancelled it?

21 A Payment processing staff of the Bank of New York
22 on direction from Cairo Amman Bank.

23 Q Take a look at Exhibit A.

24 Do you see the notation, it says, cancelled
25 due to incomplete wire instructions?

26 Do you see that?

1 Goodwin - By Plaintiff - Cross/Tolchin

2 A Yes.

3 Q Now, could you look please at document BNY14.

4 A Yes.

5 Q What was incomplete about the wiring
6 instructions, if anything?

7 A I believe that to be an incorrect statement on
8 this first exhibit. On Exhibit A.

9 Q Who put that inaccurate statement there?

10 A Someone on my staff.

11 Q So, you would agree with that there is nothing
12 wrong with the wiring instructions?

13 A In looking at it, couldn't tell, don't know if
14 there was a problem with it in Cairo Amman's indication.

15 Q From looking at Exhibit 14, does it look like all
16 the required fields are there?

17 A Yes.

18 Q As you would review this -- you work with
19 documents like Exhibit 14 every day, don't you?

20 A Yes.

21 Q So you would know from your professional
22 experience whether it is incomplete or not, would you not?

23 A I can effect this transfer.

24 Q You would be able to effect this transfer?

25 A Yes.

26 Q Was there a swift communication? Swift

1 Goodwin - By Plaintiff - Cross/Tolchin
2 communication, do you know what I mean by swift
3 communication?

4 A Yes.

5 Q What is it?

6 A Swift is a financial message, authenticated
7 messaging system that financial institutions instructions
8 and messages back and forth to each other.

9 Q Would it be fair to say that is a computer
10 network between the banks that the banks use to send wire
11 transfers?

12 A Wire transfer, financial information. Not
13 limited to wire transfers.

14 Q Is it fair to say that all the transfers that we
15 are talking about here were swift transfers?

16 A In this whole document?

17 Q Exhibit 5.

18 A No.

19 Q Which ones were not swift transactions?

20 A The transactions with my reference number start
21 off with an FD, as in Frank David, are incoming deposits
22 from other fed wire or chip clearing house banks.

23 Q And fed inquire and chips are other systems
24 similar to swift?

25 A Fed wire and chips are payments systems and swift
26 is a pledging system messaging system.

1 Goodwin - By Plaintiff - Cross/Tolchin

2 Q And in the document Bates Number 14 --
3 withdrawn.

4 When a transaction is cancelled, that
5 cancellation is something that would be transmitted over
6 the swift system as well.

7 Correct?

8 A Swift message to cancel the transactions.

9 Q In your review of the document, did you come
10 across any swift messages asking you to cancel this
11 \$9,630,000 transaction?

12 A It's not in my documents. But it would be back
13 at the bank.

14 Q Have you seen it?

15 A I have not seen it.

16 Q So do you know for a fact that there was such a
17 message?

18 A Yes. I was told.

19 Q Who told you that?

20 A The payment area that cancelled it.

21 Q But you have not actually seen it?

22 A Correct.

23 Q You just don't know what exactly happened with
24 this transaction? Other than somebody told you that it
25 was cancelled, you don't have personal knowledge of what
26 happened to this \$9,600,000?

1 Goodwin - By Plaintiff - Cross/Tolchin

2 A I have not seen the document myself. But was
3 told by the area that did it.

4 Q All right.

5 And you don't know the date that that
6 cancellation instruction came in?

7 A No.

8 Q If you will, can you look at document BNY1.

9 I just want to go over with you a few pieces
10 of information reflected on this document.

11 Can you tell us what is this document?

12 A It is a copy of a transaction record of the Bank
13 of New York.

14 Q And what system generates this document?

15 A Funds transfer system of the Bank of New York.

16 Q The Bank of New York internal computer system?

17 A Yes.

18 Q And where does the Bank of New York's internal
19 computer system get the information?

20 A From the incoming payment instruction.

21 Q And would you agree with me that document BNY124
22 is the actual incoming swift message that corresponds to
23 BNY1?

24 A Yes.

25 Q Is it fair to say that both BNY1 and 124 contain
26 the same information but in a different format?

1 Goodwin - By Plaintiff - Cross/Tolchin

2 A Yes.

3 Q And would you agree with me that the format in
4 BNY1 is designed to be easier for humans as opposed to
5 computers to read? It is more readable?

6 A I can read both of them, but it is not --

7 THE COURT: The other document is BNY --

8 MR. TOLCHIN: 124, your Honor.

9 THE WITNESS: 124 is the instruction that we
10 received, which electronically is inserted into the
11 Bank of New York funds transfer system, which then
12 carries out the instruction.

13 Q That process of taking the incoming swift
14 instruction and putting into the funds transfer system,
15 have you ever heard that called unpacking?

16 A It is unpacked into the funds system? Yes. That
17 terminology is used.

18 Q Take a look at BNY 1.

19 Do you see on the upper right, there is a
20 number 52D and it's the Palestine Monetary Authority?

21 A Yes.

22 Q What is 52D?

23 A Originating bank.

24 Q Is that a field name?

25 A A swift field tic.

26 Q So, any time that we see 52D in one of these

1 Goodwin - By Plaintiff - Cross/Tolchin
2 documents, in one of these swift documents, it has the
3 same meaning?

4 A Correct.

5 Q And tell us what does field 352 mean,
6 originating?

7 A The originating institution.

8 Q And let's take a look down at the Palestine
9 Monetary Authority. Down in the middle it says, message
10 type 202?

11 A Yes.

12 Q What is message type 202?

13 A Bank transfer.

14 Q Is that a type of swift transfer?

15 A It is a type of swift message.

16 Q And what is the meaning of 202? Who can be a
17 party to 202?

18 A It is a bank-to-bank transfer.

19 Q So in -- swift 202 messages, the only parties to
20 that transaction can be banks?

21 A That's the intention of a 202.

22 Q There cannot be private parties using 202?

23 A There is not supposed to be.

24 Q And there are other formats for private parties
25 to make transfers.

26 Correct?

1 Goodwin - By Plaintiff - Cross/Tolchin

2 A Yes. If everybody follows the rules, yes.

3 Q Right above where it says 52D at the top it has
4 the word sender.

5 What does it mean?

6 A It is who sent the swift instruction.

7 Q Does that -- withdrawn.

8 Just to the right of the word sender, there
9 is a Keith P-A-I-T-T-S, 22.

10 Do you see that?

11 A No.

12 Q Do you see the word sender?

13 A Yes.

14 Q And just to the right of the -- what's the value
15 of the sender?

16 A Sender is look sent the swift instruction to me.

17 Q And it says there, you are looking at 001?

18 A Yes.

19 Q And your copy doesn't say B-A-I-T?

20 A Yes. P-A-I-T-T-S, 22.

21 Q Is that a code?

22 A A swift address.

23 Q And that corresponds to a financial institution?

24 A PIB.

25 Q And how can you tell that?

26 A Because I can tell by looking it up or when the

1 Goodwin - By Plaintiff - Cross/Tolchin
2 instructions are received for funds transfer system,
3 unpacks the Swiss address to identify the sender, who the
4 sender is.

5 Q In other words, the funds transfer system looks
6 it up automatically and fills it in over here on the left
7 of BNY01. So it appears here on BNY001 as both the code
8 and in the unpack form?

9 A Yes.

10 Q Now, what is swift 202 transfer? What is the
11 role of the sender?

12 A The party that is sending the instruction to me.
13 It is usually the debit party of the transaction.

14 Q The party that sends the instruction. All
15 right.

16 Does that necessarily mean that the party
17 that it is the party who is sending the money?

18 A It is the party whose account I am going to touch
19 based on the instruction.

20 Q . All right. Looking at 001, would Palestine
21 Monetary Authority in the 52D field and PIB as the sender,
22 can you tell where the money originated?

23 A From the face of this transaction, PIB indicates
24 that Palestine Monetary Authority is the originating
25 institution.

26 Q So the money, somehow, came from the Palestine

1 Goodwin - By Plaintiff - Cross/Tolchin

2 Monetary Authority?

3 A Based on this instruction, that's what is in that
4 field. I cannot speak to physically their movement.

5 Q You cannot tell how the money got from PMA to the
6 PIB?

7 A Right.

8 Q It would be certainly possible that the Palestine
9 Monetary Authority has an account at the PIB?

10 A Possible.

11 Q So this transaction is consistent with the

12 Palestine Monetary Authority instructing the PIB to take
13 money from its account, the PMA account, at the PIB, and
14 to send it on pursuant to the instructions?

15 A Yes.

16 Q It would also be possible that somebody actually
17 physically, somebody from the Palestine Monetary Authority
18 physically brought cash to the PIB?

19 MR. KALBIAN: Objection. Speculation.

20 MR. TOLCHIN: I am asking if it's possible.

21 THE COURT: I will allow it. I will allow
22 it.

23 A Yes.

24 Q Other than bringing in cash or the PMA having an
25 account at the PIB, is there any other way that this
26 transaction could have taken place, based on your

1 Goodwin - By Plaintiff - Cross/Tolchin
2 experience?

3 A I don't understand the question.

4 Q All right. We talked about two ways that the
5 originating bank could get the money for this transfer to
6 the sender. They could give cash, or they could have an
7 account at the sender's bank.

8 Are there any other choices or is it any one
9 of those two?

10 A I believe it would be one of those two.

11 Q And would you agree with me, from your experience
12 in dollar amount such as these transactions, that it is
13 more than likely that it was the PMA had an account with
14 the PIB?

15 A Yes.

16 Q And, in fact, you heard Mr. Abu-Habsa this
17 morning that, in fact, the Palestine Monetary Authority
18 has an account at the PIB?

19 A Yes.

20 Q Now, on the left, just above where it says PIB,
21 we are on document 001, do you see that there is a
22 notation DB and a number 89004289755?

23 A Yes.

24 Q What does DB field mean?

25 A Debit.

26 Q And what is that number?

1 Goodwin - By Plaintiff - Cross/Tolchin

2 A The Bank of New York account number of PIB.

3 Q All right. And just above the DB field there is
4 a field pay and it says book.

5 A Yes.

6 Q What does pay book mean?

7 A This transaction would be paid via a book
8 transfer because the other party to the transaction also
9 maintains an account at the Bank of New York. So it would
10 be a transfer from one account at the Bank of New York to
11 another account at the Bank of New York.

12 Q So any time the sender and the credit party have
13 an account at Bank of New York, Bank of New York just
14 moves money on its books from one account to the other.

15 Is that correct?

16 A Yes.

17 Q If the sender and the credit party don't both
18 have an account at the Bank of New York, what do you do?

19 A We pay the instruction, either through the fed
20 wire system or through chips, the clearing house payment
21 system.

22 Q And the fed wire system, would be if you are
23 dealing with banks that are all members of the Federal
24 Reserve?

25 A Fed wire system are all federal backs yes.

26 Q And if it is a bank not a member of the reserve,

1 Goodwin - By Plaintiff - Cross/Tolchin

2 you have to use chips?

3 A No, the members of the clearing house with the
4 chips banks are also fed banks.

5 Q They can use either, but if you have a bank that
6 is not a federal reserve bank, you have to use swift or
7 clips? Sorry, you have to use chips?

8 A It is more likely that a bank is a member of
9 chips and fed than -- fed not normal for a fed wire bank
10 for -- it is not normal for a bank not to be a fed wire
11 member, but to be a chips member.

12 Q All right. Let's come down on the BNY001. There
13 is a code OGB and in that field, there is a field code,
14 OGB and in that field it says, Palestine Monetary
15 Authority.

16 What does the field OGB mean?

17 A Originating bank.

18 Q So it's the same as 52D?

19 A Yes.

20 Q So where it says OGB on the left, is the
21 unpacking of 52D on the right?

22 A Yes.

23 Q All right.

24 We come down about a third of the way, and
25 it says CR and then there is a number 890003357614.

26 What does CR mean?

1 Goodwin - By Plaintiff - Cross/Tolchin

2 A Credit.

3 Q Does that field -- that's a swift field
4 identifying the credit party?

5 A It is the Bank of New York transaction record
6 identifying the credit party.

7 Q So anywhere it says CR that says where Bank of
8 New York is going to put this money?

9 A Yes.

10 Q And in the case of BNY001 it says Egypt Arab Land
11 Bank?

12 A Yes.

13 Q And on the right, there is a field 58A.

14 A Yes.

15 Q Do you see that?

16 A Yes.

17 Q And there seems to be two rows for 58A, one has a
18 number and the next last ARLBES 22?

19 A Yes.

20 Q What is the significance of 52?

21 A Well --

22 Q 58A. Excuse me?

23 A The party to pay, the first line is the Bank of
24 New York account number and the second line is the swift
25 address for Egyptian Arab Land Bank.

26 Q So again 58A is the swift code and it is unpack

1 Goodwin - By Plaintiff - Cross/Tolchin
2 on the left and written out as CR.

3 Is that correct?

4 A Yes.

5 Q Arab Land. Sorry?

6 A Yes.

7 Q Now, again looking at BNY document one, just
8 under Egyptian Arab Land Bank it gives an address in
9 Jerusalem, Israel, and under that it says BBK.

10 Do you see that?

11 A Yes.

12 Q And what is the field BBK?

13 A It's the next party in the chain.

14 Q And in this case, BBK is blank?

15 A Yes.

16 Q What is significance of that?

17 A On this instruction, there is not a party on this
18 instruction after that.

19 Q So does that mean that this transaction, the
20 ultimate destination of this money would have been
21 Egyptian Arab Land Bank?

22 A For the document that I have, yes.

23 Q And just a little bit lower than that there is a
24 field BNF, like in Frank?

25 A Yes.

26 Q What does that mean?

1 Goodwin - By Plaintiff - Cross/Tolchin

2 A Beneficiary.

3 Q And what is the meaning of that field?

4 A It says beneficiary field for Bank of New York
5 instructions, if you look at the credit party, CR is the
6 first credit party, BBK would be the second and BNF would
7 be the third. Depending on how many credit parties you
8 have in a credit transaction.

9 Q Which would not be applicable to this particular
10 transaction?

11 A Correct.

12 Q And come all the way down to the Palestine
13 Monetary Authority in the middle, there is some date
14 fields.

15 Do you see origin and value?

16 A Yes.

17 Q Could you explain what origin and value is?

18 A O-R-G-I-N is the originating date. It is the
19 date that I receive the swift instruction. The value date
20 is the value that I value -- that I am supposed to -- the
21 date that I am supposed to make the payment on.

22 Q And there is another date below that.

23 A The debit value date.

24 Q DB or DR?

25 A It is DR.

26 Q All right. That's the debit value date.

1 Goodwin - By Plaintiff - Cross/Tolchin

2 A Yes.

3 Q And in this case BNY1, they are all the same, May
4 17, 2005?

5 A Yes.

6 Q Now, look on the left, there is something called
7 swift 20?

8 A Yes.

9 Q What is the significance of the field swift 20?

10 A There is a reference field. Swift 20 is the
11 originated source reference, swift 21 is the bene,
12 beneficiary.

13 Q You call the bene as a nickname?

14 A Yes. Sorry.

15 Q It is okay. So that would be, if this money were
16 to be applied to some transaction, that would be a
17 place -- swift 21 would be a place that you can note it?

18 A For reference numbers.

19 Q So you can put a purchase number order or
20 contract number or anything that you want there?

21 A It is a preformat field.

22 Q And in this case, the swift 21 field says NON.

23 A Yes.

24 Q What is the meaning of NON?

25 A Don't know.

26 Q Have you seen that before?

1 Goodwin - By Plaintiff - Cross/Tolchin

2 A No.

3 Q Now, right under swift 21 there is a field AMT.

4 A Yes.

5 Q What is the meaning of AMT?

6 A That's the dollar amount.

7 Q So this transaction reflected in BNY1 would have
8 been a \$184,990 transaction?

9 A Yes.

10 Q Okay.

11 THE COURT: Are you going to be much
12 longer?

13 MR. TOLCHIN: Not terribly, but if he needs
14 a break.

15 THE COURT: He needs a break, but she has to
16 get out of here.

17 I just want to know how much longer you are
18 going to be.

19 MR. TOLCHIN: Not too much longer.

20 (Whereupon, a recess was had.)

21 THE COURT: All right. Let's continue.

22 And I remind you you are still under oath.

23 Q Could you look at the document BNY10.

24 A Yes.

25 Q Does that -- do you recall that Mr. Kalbian asked
26 you about a transaction where the Union Bank of Amman was

1 Goodwin - By Plaintiff - Cross/Tolchin
2 the ordering party and the Union Bank for Savings and
3 Investment from Ramallah would be the beneficiary?

4 A Union Bank for Savings and Investment as the
5 originator and the beneficiary.

6 Q Well, isn't the originator Amman and the
7 recipient's in Ramallah?

8 A Yes.

9 Q Looking at the NY 10, do you see there is a field
10 57D?

11 A Yes.

12 Q 57D was not on the BNY1 that we talked about
13 before.

14 Correct?

15 A Yes.

16 Q What is field 57D?

17 A Intermediary bank.

18 Q And this case, who is -- what institution was in
19 57D?

20 A PIB.

21 Q And then do you see 58D?

22 A Yes.

23 Q And what institution is in 58D?

24 A Palestine Monetary Authority.

25 Q And what is 58D?

26 A It is the beneficiary institution.

1 Goodwin - By Plaintiff - Cross/Tolchin

2 Q All right. And then, underneath 58D, it
3 says/BNF, further credit to, do you see that?

4 A Field 72.

5 Q All right. And what is field 72?

6 A Bank to bank information.

7 Q So this is -- would it be fair to say that field
8 72 is telling the Palestine Monetary Authority what to do
9 with their money? With this money?

10 A It can be inferred, yes.

11 Q Is that the meaning of field 72?

12 I don't want to infer anything.

13 A That's what the instruction 72, further credit to
14 Union Bank for Savings and Investment, Ramallah branch,
15 account number 6001491.

16 Q All right.

17 MR. BIALO: I have no more questions.

18 THE COURT: Any redirect?

19 MR. KALBIAN: I have no redirect.

20 THE COURT: You are excused, ma'am.

21 (Witness excused.)

22 THE COURT: We are going to break right
23 now.

24 THE COURT: All right. Counsel.

25 MR. KALBIAN: Sorry, your Honor.

26 THE COURT: You have further witnesses.

1 Goodwin - By Plaintiff - Cross/Tolchin

2 MR. KALBIAN: I do. Yes, I have three
3 further witnesses.

4 THE COURT: Okay.

5 MR. KALBIAN: One is an expert.

6 THE COURT: All right. The witnesses that
7 you have from out of the country are not experts.

8 Am I correct?

9 MR. KALBIAN: That is correct.

10 THE COURT: So you have two more of those.

11 MR. KALBIAN: Yes, ma'am.

12 THE COURT: Let's do those tomorrow so we
13 can finish with them if they need to go home, they can
14 go home. I have a calendar in the morning. We will
15 adjourn until 2:15 tomorrow afternoon.

16 MR. KALBIAN: All right.

17 THE COURT: And we will try to do them both
18 in the afternoon tomorrow. If we can do more, we will
19 do more. I don't know if we can.

20 MR. KALBIAN: Are we adjourned for today?

21 THE COURT: Yes.

22 (Proceedings adjourned.)

23

24

25

26